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Serial no. 09/864,829  
Filed 5/24/2001  
Attorney docket no. 83019

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### REMARKS

#### Drawings

The drawings filed on 24 May 2001 have been objected to as being informal. However, Applicant has previously submitted formal drawings on 19 September 2001, which are reflected in Private PAIR. Therefore, Applicant requests that the objection be withdrawn.

#### Specification

The specification has been objected to due to the inclusion of trademarked terms that were not indicated as trademarked via a ® symbol. Applicant has amended the specification so that trademarked terms are now indicated as trademarked via a ® symbol, and therefore requests that the objection be withdrawn.

#### Claim rejections under 35 USC 102

Claims 1-4, 6-7, 12, 17, 19-22, 24-25, 30, 35, and 37 have been rejected under 35 USC 102(e) as being anticipated by Matthias Brune, "A Resource Description Environment . . .," IEEE Proceedings of the Eighth International Symposium on High Performance Distributed Computing, 1999, pp. 279-286 (hereinafter Brune). Applicant has cancelled claim 1 without prejudice, and respectfully traverses the rejection as to the remaining claims rejected on this basis. In particular, independent claims 2 and 20 are not anticipated by Brune, such that none of the claims that depend from these claims are anticipated by Brune. Also, irrespective of the patentability of claims 2 and 20, dependent claims 4, 6, 22, and 24, which ultimately depend from claims 2 and 20, are not anticipated by Brune for separate reasons.

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*Independent claims 2 and 20*

Claims 2 and 20 are independent claims, from which the remaining claims rejected under 35 USC 102 ultimately depend. Each of these claims is limited to the preparation of *first* specification files "in a language providing a syntax adapted to describe system and network specification information," as well as the preparation of *second* specification files "in the language providing application software system structure, capabilities, dependencies, and requirements." That is, the claims are specifically limited to such *first* specification files and to such *second* specification files. Brune does not disclose the preparation of both such *first* and *second* specification files, as particularly arranged and limited in claims 2 and 20.

The standard for anticipation under 35 USC 102 is that "[t]here must be *no difference* between the claimed invention and the reference disclosure, as viewed by a person of ordinary skill in the field of the invention." Scripps Clinic & Research Found. v. Genentech, Inc., 18 USPQ2d 1001, 1010 (Fed. Cir. 1991). That is, the prior art reference must disclose each element of the claimed invention "arranged as in the claim" in question. Lindermann Maschinenfabrik GmbH v. American Hoist & Derrick Co., 221 USPQ 481, 485 (Fed. Cir. 1984). Under these guiding principles of anticipation, Brune does not anticipate the claimed invention.

The Examiner has indicated that section 4 of Brune, on pages 281-282, discloses the preparation of both a *first* specification file and a *second* specification file, as claimed in claims 2 and 20. However, in contradiction the standard for anticipation promulgated in the Scripps Clinic decision noted above, there is indeed a "difference between the claimed invention and the reference disclosure." For instance, at best, section 4 of Brune discloses the preparation of a *single* specification file, not both a *first* specification file and a *second* specification file. For this reason alone, Brune cannot anticipate the claimed invention.

Furthermore, Brune does not disclose each element of the claimed invention "arranged as in . . . claim[s]" 2 and 20, such that it also runs afoul of the standard for anticipation promulgated in the Lindermann decision noted above. For instance, section 4 of Brune does not disclose a *first* specification file specifically "describe[ing] system and network specification information"

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and a *second* specification file specifically “providing application software system structure, capabilities, dependencies, and requirements.” That is, for Brune to anticipate the claimed invention, besides disclosing a *first* specification file and a *second* specification file, the *first* specification file has to include the information as recited in claims 2 and 20 (i.e., how this element of the claimed invention is “arranged” in claims 2 and 20), and the *second* specification file similarly has to include the information as recited in claims 2 and 20 (i.e., how this element of the claimed invention is “arranged” in claims 2 and 20). For this reason too, Brune cannot anticipate the claimed invention.

In summary, Brune does not teach or suggest the preparation of both a *first* and a *second* specification file, and therefore there is a difference between Brune and the claimed invention, such that Brune does not anticipate claims 2 and 20. Furthermore, Brune does not teach or suggest such specification files including the information as particularly “arranged,” or recited, in claims 2 and 20, and for this reason as well Brune does not anticipate claims 2 and 20.

*Dependent claims 4, 6, 22, and 24*

Dependent claims 4, 6, 22, and 24 are patentable at least because they depend from patentable independent claims 2 and 20. However, dependent claims 4, 6, 22, and 24 are independently patentable, irrespective of the patentability of claims 2 and 20. In particular, all of these dependent claims recite that the second specification files provide “Quality of Service (QoS) requirements” in some way or another. Brune does not disclose or suggest this aspect of claims 4, 6, 22, and 24.

The Examiner indicates that Brune discloses or teaches the second specification files providing “Quality of Service (QoS) requirements” in section 4, on pages 281-282. However, Applicant cannot find any reference in Brune to “Quality of Service (QoS) requirements.” Therefore, Brune does not explicitly teach or disclose such requirements. Furthermore, there is nothing in Brune that would suggest Brune implicitly or inherently teaches or discloses such “Quality of Service (QoS) requirements,” and indeed the Examiner has not indicated that such

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requirements are implicit or inherent to Brune. As a result, Brune cannot anticipate claims 4, 6, 22, and 24, such that these claims are patentable irrespective of the patentability of their base independent claims.

Claim rejections under 35 USC 103

Claims 5, 8, 23, and 26 have been rejected under 35 USC 103(a) as being unpatentable over Brune in view of Brendan Jennings, "FIPA-compliant agents . . .," 1999, Elsevier Science B.V., Computer Networks 31, pp. 2017-2036. Claims 9 and 27 have been rejected under 35 USC 103(a) as being unpatentable over Brune in view of Lesaint (6,578,005). Claims 10, 11, 15, 16, 18, 28, 29, 33, 34, and 36 have been rejected under 35 USC 103(a) as being unpatentable over Brune in view of Karl Czajkowski, "A Resource Management Architecture . . .," Proceedings of the Fourth IPPS/SPDP Workshop on Job Scheduling Strategies for Parallel Processing, 1998. Claims 13, 14, 31, 32 have been rejected under 35 USC 103(a) as being unpatentable over Brune alone, and not in combination with any other reference.

Applicant notes, however, that all of the claims rejected under 35 USC 103 are dependent claims, depending ultimately from one of the independent claims 2 and 20 that have been discussed above. Therefore, all of these claims are patentable for at least the same reasons that claims 2 and 20 are, as discussed above.

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Conclusion

Applicant has made a diligent effort to place the pending claims in condition for allowance, and request that they so be allowed. However, should there remain unresolved issues that require adverse action, it is respectfully requested that the Examiner telephone Scott Boalick, Applicant's Attorney, at 540-653-8061, so that such issues may be resolved as expeditiously as possible. For these reasons, this application is now considered to be in condition for allowance and such action is earnestly solicited. Please apply any charges or credits to deposit account 50-0967.

Respectfully Submitted,

9/22/05  
Date

  
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